



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,339	11/26/2003	Jaques A. Manukyan	335590-3	8599

7590 07/06/2005

G. Glennon Troublefield  
Carella, Byrne, Bain, Gilfillan, Cecchi,  
Stewart & Olstein  
5 Becker Farm Road  
Roseland, NJ 07068

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,339	<b>Applicant(s)</b> MANUKYAN, JAKUES A.	
	<b>Examiner</b> DAVID Y. ENG	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2155

Applicants are requested to update the status of related application on page 1 of the specification.

This application is a CIP of parent serial number 09/872,876 (now USP 6,687,733). Applicants are requested to cross reference to the parent on page 1 of the specification.

Claims 1-41 of patent number 6,687,733 contain every element of claims 1-27 of the instant application and as such anticipate claims 1-27 of the instant application.

"A later patent claim is not patentable distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). "ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appelas for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claims 7 and 8 are identical. Applicants are requested to cancel one of them.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Larkins (6,295,291).

Art Unit: 2155

See at least the abstract, Figures 1-6 and the description thereof in Larkins.

Larkins teaches :

a system (Figure 1 and the abstract) for automatically configuring a server daemon (server 105) to provide a service (see "services and features" in line 4 of the abstract) to a client (subscriber), the system comprising:

at least one interactive server (server 105), the at least one interactive server having a predetermined system configuration file (radiotelephone service profile, line 8 abstract and Figure 3-6) and a server daemon, the predetermined system configuration file being used to make a service available (activation function, line 12 abstract and 135 Figure 2) to the client (subscriber) through the server daemon,

a database server (140, 110, 130, 125 and 135) having a program to generate executable and transferable tasks that are used to configure the predetermined system configuration file of the at least one interactive server to make the service available to the client as desired,

a relay server to enable the at least one interactive server to selectably communicate with the database server (subscriber log on to the WWW server and provides service profile and billing information to the billing system through the server, abstract),

an external communications link (135, 115, 120) to enable the client to access the service available from the at least one interactive server, and whereby the at least one interactive server contacts the database server to

Art Unit: 2155

obtain the tasks so that the predetermined configuration system file can be configured to make the service available to the client as desired.

As to claim 2, see lines 58-60 of column 2 in Larkins.

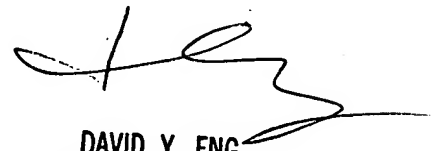
As to claims 3-5, all the components shown in Figure 1 are able to communicate with each other.

As to claim 6, see protocol in line 2 of column 5.

As to claim 7-8, see routing in line 54 of column 3.

As to claim 9, see encryption in line 37 of column 3.

As to claims 10-27, they do not define above the invention claimed in claim 1-9 and therefore are rejected for the same reasons.



DAVID Y. ENG  
PRIMARY EXAMINER